THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition Nos. 5663 and 7350 of 2007

Dated 25-04-2007

Between:

Shahzadi Begum and another

…Petitioners

And

The Chief General Manager, Hyderabad Zone,
APCPDCL, Mint Compound, Hyderabad and another

…Respondents

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition Nos. 5663 and 7350 of 2007

COMMON JUDGMENT:

In these writ petitions, the petitioners seek a declaration that the action of the respondents in proposing to dispossess them from the

premises of the petitioners bearing Nos.17-3-198/57 and 17-3-198/58/1, of Yasrab Nagar, Yakatpura, admeasuring 139 sq. yards and 41 sq. yards, respectively, as illegal and arbitrary.

The petitioners contend that they are the owners of the premises referred to above, having purchased from the previous owners. They allege that the respondents are trying to construct a 33.K.V Electrical Sub-Station in the area, and for that purpose, they are trying to dispossess them. They have placed before this Court copies of title deeds, through which they are said to have acquired title, and copies of receipts and bills, for payment of property tax etc.

On behalf of the respondents, a counter affidavit is filed stating that the Government and Revenue Departments had allotted the vacant site for the purpose of Sub-Station, and that the petitioners have no right, title or possession over the plots in question. It is also sated that several persons, claiming rights in similar fashion, as the petitioners, have approached the respective Civil Courts, and on elaborate consideration of the matter, the trial Court dismissed the application for temporary injunction, and even the appeals, preferred by them, were also dismissed.

Basically, in a matter of this nature, the petitioners have to approach the Civil Court, seeking remedy of perpetual injunction, and by filing an application for temporary injunction. Having regard to the fact that the respondents are State Agency, there would have been some possibility, to consider the feasibility of granting relief in the writ petitions, if there does not exist any controversy as to the possession over the property in question. The petitioner in W.P.No.5663 of 2007 pleaded that the premises belonged to her are dilapidated, and that the respondents have removed the *debri,* and are about to start

construction.

The petitioner in W.P.No.7350 of 2007 got issued a lawyer's notice, dated 12-05-2005. In that it was alleged that the house, belonging to him was damaged by the revenue authorities; was demolished by using heavy machinery, causing loss to the tune of about 1,20,000/-. From these averments, it is evident that neither the petitioners are residing in the premises, nor the premises belong to them are standing thereon. When such is the state of affairs, this Court does not find any basis, or ground, to grant any relief to the petitioners.

The writ petitions are accordingly dismissed. It shall, however, be open to the petitioners to workout their remedies in Civil Court.

There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.25-04-2007.

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